

## NOTICE OF EMERGENCY RULE REPEAL AND PROMULGATION

AGENCY: Department of Marine Resources

STATUTORY AUTHORITY: 12 M.R.S.A. Sections 6172 and 6192

**RULE REPEAL AND PROMULGATION:** DMR Regulation 95.03 B, Closed Area No. 13, Prouts Neck - Spurwink River, Scarborough/Cape Elizabeth, promulgated on April 8, 2002, is repealed and replaced with the following rule:

**TEXT OF RULE:** DMR Regulation 95.03 B, Closed Area No. 13, Spurwink River, Scarborough and Cape Elizabeth

1. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Spurwink River, from June 1 through November 30, north of a line beginning at the east point of Higgins Beach, Scarborough, and extending due east to a red painted post on the Cape Elizabeth shore; AND south of a line beginning at a red painted post located approximately 1000 feet north of the end of Starboard Lane, Scarborough, and extending southeast to a red painted post on the Cape Elizabeth shore.
2. Effective immediately, because of pollution, it shall be unlawful to dig, take or possess any clams, quahogs, oysters or mussels taken from the shores, flats and waters of the Spurwink River north of a line beginning at a red painted post located approximately 1000 feet north of the end of Starboard Lane, Scarborough, and extending southeast to a red painted post on the Cape Elizabeth shore.

Violation of any provision of this regulation shall be a Class D Crime (12 M.R.S.A. Section 6204). Harvesting in this area may be subject to a municipal ordinance.

EFFECTIVE DATE: July 15, 2004

AGENCY CONTACT PERSON:

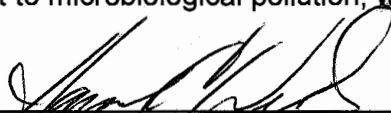
Amy M. Fitzpatrick  
Departments of Marine Resources  
194 McKown Point Road  
W Boothbay Harbor, ME 04575

PORTLAND PRESS HERALD  
July 19, 2004

### STATEMENT OF FACT AND POLICY

The Commissioner of the Maine Department of Marine Resources repeals the emergency DMR Regulation 95.03 B, Closed Area No. 13, Prouts Neck - Spurwink River, Scarborough/Cape Elizabeth, promulgated on April 8, 2002, and replaces it with a new regulation. This new regulation is an administrative change that clarifies the seasonal closure in the lower half of the Spurwink River.

The closed areas are subject to microbiological pollution, which poses a threat to public health.

  
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HAROLD C. WINTERS  
ADMINISTRATIVE OFFICER FOR GEORGE LAPOINTE,  
COMMISSIONER AS AUTHORIZED BY 12 M.R.S.A. SECTION 6023



# Maine Department of Marine Resources


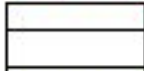

Legal Notice of Shellfish Closure Area

C13 Spurwink River

7/15/04



## 2004 Shellfish Classifications

-  Prohibited
-  Restricted
-  Conditionally Approved
-  Conditionally Restricted

Scarborough

Starboard  
Lane

Cape Elizabeth

**Closed**  
**6/1 - 11/30**

Higgins Beach

**There may be other closures in this map area.**

0.3 0 0.3 0.6 Miles

